

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

LETTERIO DECARLO,	:	CIV. NO. 23-356 (RMB)
	:	
Petitioner	:	
v.	:	OPINION
	:	
STEVIE M. KNIGHT, WARDEN	:	
FCI FORT DIX,	:	
	:	
Respondent	:	

CHIEF JUDGE RENÉE MARIE BUMB

Petitioner Letterio DeCarlo, a prisoner confined in the Federal Correctional Institution in Fort Dix, New Jersey (“FCI Fort Dix”), filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, challenging the Bureau of Prison’s (“BOP”) refusal to apply his First Step Act (“FSA”) Time Credits based on his conviction under 18 U.S.C. § 924(j), for which he has completed his sentence. (Pet., Docket No. 1.) This Court granted Respondent’s request to dismiss the habeas petition as moot, after the BOP calculated and applied Petitioner’s earned FSA Time Credits, as requested in the habeas petition. (Order, Docket No. 7). It appears that Petitioner filed his reply brief before he received this Court’s Order granting Respondent’s request. (Reply, Docket No. 9). Therefore, this Court will treat Petitioner’s reply brief as a motion for reconsideration pursuant to Local Civil Rule 7(i).

Petitioner asserts that the petition is not moot because he does not agree with the BOP’s calculation of his FSA Time Credits, nor does he know whether he will be awarded the maximum amount of prerelease custody. (Reply, Docket No. 9.) These

issues, however, were not raised in the original petition, nor do they appear to be fully exhausted or ripe. Moreover, habeas jurisdiction over these ancillary issues is not clear. Therefore, this Court will deny Petitioner's request for reconsideration of the order dismissing the petition as moot. This does not preclude petitioner from filing a new habeas petition, subject to any appropriate jurisdictional challenges.

An accompanying Order follows.

DATE: May 9, 2023

s/Renée Marie Bumb
RENÉE MARIE BUMB
Chief United States District Judge